

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHAJUANA POE, PATRICE JOHNSON, and)
TINA BLAND,)

Plaintiffs,)

v.)

MICHAEL S. GREIG SYSTEMS)
TRANSPORT, INC., MICHAEL P. DELANO)
and AUTO PRO EXPRESS, INC.,)

Defendants.)

MICHAEL P. DELANO and AUTO PRO)
EXPRESS, INC.,)

Third-Party Plaintiffs,)

v.)

JOHN D. McCARTER,)

Third-Party Defendant.)

SYSTEMS TRANSPORT, INC.,)

Third-Party Plaintiff,)

v.)

JOHN D. McCARTER,)

Third-Party Defendant.)

FILED: AUGUST 12, 2008
08CV4567
JUDGE ANDERSEN
MAGISTRATE JUDGE BROWN
NF

Formerly Case No. 07-L-7596, Circuit
Court of Cook County, Illinois

**NOTICE OF REMOVAL OF A CIVIL ACTION AND
SUBSTITUTION OF THE UNITED STATES AS DEFENDANT**

To: Dorothy Brown, Clerk of the Court
Circuit Court of Cook County
Richard J. Daley Center, Room 801
50 West Washington Street
Chicago, Illinois 60602

Cecil E. Porter, III
Kopka, Pinkus, Dolin & Eads, P.C.
200 N. La Salle Street, Suite 2850
Chicago, Illinois 60601

Thomas Cameli
Radogno, Cameli & Hoag
20 South Clark, Suite 1800
Chicago, Illinois 60603

Alfred S. Vano
Santilli & Vano
111 W. Washington Street, Suite 1240
Chicago, Illinois 60602

The United States, by its attorney, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, submits this notice of removal of the above-captioned civil action from the Circuit Court of Cook County, Illinois, to the United States District Court, Northern District of Illinois, pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2679, and in support thereof states the following:

1. On July 20, 2007, plaintiffs Shajuana Poe, Patrice Johnson, and Tina Bland commenced the above civil action against John D. McCarter; Michael S. Greig; Systems Transport, Inc., a corporation; Michael P. Delano; and Autopro Express, Inc., a corporation, alleging negligence resulting in personal injuries from a car accident.

2. On September 10, 2007, plaintiffs' case was removed in accordance with 28 U.S.C. § 2679(d)(2) upon certification by the designee of the Attorney General of the United States that defendant John D. McCarter was acting within the scope of his employment as an employee of the United States at the time of the incidents out of which the claims arose. Ex. A, 07 CV 5086 at Docket No. 1. The case was then dismissed for failure to exhaust administrative remedies and remanded back to state court. *Id.* at Docket Nos. 7, 10.

3. On July 1, 2008, third-party plaintiffs Michael P. Delano and Autopro Express, Inc., filed a state court contribution claim against John D. McCarter. Ex. B, state court summons and

complaint. On July 8, 2008, third-party plaintiff Systems Transport, Inc., followed suit, alleging both contribution and negligence claims against John D. McCarter. Ex. C, state court summons and complaint.

4. This notice of removal is again filed in accordance with 28 U.S.C. § 2679(d) upon certification by the designee of the Attorney General of the United States that defendant John D. McCarter was acting within the scope of his employment as an employee of the United States at the time of the incidents out of which the claims arose. Ex. D, certification.

3. This notice of removal may be filed without bond at any time before trial. 28 U.S.C. § 2679(d)(2). Trial has not yet been had in this action.

4. Pursuant to the certification by the Attorney General's designee and the filing of this notice of removal, under 28 U.S.C. § 2679, this civil action is deemed an action against the United States and the United States is substituted as the sole federal party in place of defendant John D. McCarter.

WHEREFORE, this action now pending in the Circuit Court of Cook County, Illinois, is properly removed to this court pursuant to 28 U.S.C. § 2679(d), and the United States is substituted as the defendant in lieu of John D. McCarter.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: s/ Harpreet K. Chahal
HARPREET K. CHAHAL
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-1996
harpreet.chahal@usdoj.gov

08CV4567

JUDGE ANDERSEN

MAGISTRATE JUDGE BROWN

NF

Exhibit A

MASON, TERMED

**United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.2.1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:07-cv-05086**

Poe et al v. McCarter et al
Assigned to: Honorable Joan B. Gottschall
Case in other court: Cook Cnty IL Cir Cout, 07 L 007596
Cause: 28:2674 Federal Tort Claims Act

Date Filed: 09/10/2007
Date Terminated: 11/02/2007
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government
Defendant

Plaintiff

Shajuana Poe

represented by **Alfred Sebastian Vano**
111 West Washington Street
Suite 1240
Chicago, IL 60602
(312) 444-3606
ATTORNEY TO BE NOTICED

Plaintiff

Patricia Johnson

represented by **Alfred Sebastian Vano**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Tina Bland

represented by **Alfred Sebastian Vano**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

John D McCarter

Defendant

Michael S. Greig

Defendant

Systems Transport, Inc.
a corporation

Defendant

Michael P. Delano

Defendant

Autopro Express, Inc.
a corporation

Defendant

United States of America
is substituted as the defendant in lieu of
John D. McCarter

represented by **Harpreet Kaur Chahal**
United States Attorney's Office (NDIL)
219 South Dearborn Street
Suite 500
Chicago, IL 60604
(312)353-1996
Email: harpreet.chahal@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/10/2007	<u>1</u>	NOTICE of Removal and substitiuon of The United States of America as defendant in place of defendant John D. McCarter from Cook Cnty IL Circuit Court, case number (07 L 7596) filed by United States of America with copy of summons and complaint. (Exhibits) (hp,) (Entered: 09/14/2007)
09/10/2007	<u>2</u>	CIVIL Cover Sheet (hp,) (Entered: 09/17/2007)
09/14/2007	<u>4</u>	MOTION by Defendant United States of America to dismiss for failure to exhaust administrative rememdies. (td,) (Entered: 09/18/2007)
09/14/2007	<u>5</u>	NOTICE of Motion by Harpreet Kaur Chahal for presentment of motion to dismiss for failure to exhaust administrative rememdies 4 before Honorable Joan B. Gottschall on 9/27/2007 at 09:30 AM. (td,) (Entered: 09/18/2007)
09/17/2007	<u>3</u>	MAILED letter regarding filing of the petition for removal to attorney Alfred S. Vano. (hp,) Additional attachment(s) added on 9/17/2007 (hp,). (Entered: 09/17/2007)
09/27/2007	<u>6</u>	MINUTE entry before Judge Joan B. Gottschall :Briefing schedule as to MOTION by Defendant United States of America to dismiss for failure to exhaust administrative rememdies 4 is as follows : Responses due by 10/18/2007. Replies due by 10/29/2007. Ruling by mail. (rj,) (Entered: 09/27/2007)
11/02/2007	<u>7</u>	STIPULATION of Dismissal (Chahal, Harpreet) (Entered: 11/02/2007)
03/20/2008	<u>8</u>	MOTION by Plaintiffs Shajuana Poe, Patricia Johnson, Tina Bland for the entry of an order of Removal of this action to State Court (hp,) (Entered: 03/20/2008)
03/20/2008	<u>9</u>	NOTICE of Motion by Alfred Sebastian Vano for presentment of Agreed Motion to remand 8 before Honorable Joan B. Gottschall on 3/27/2008 at 09:30 AM. (hp,) (Entered: 03/20/2008)

03/27/2008	<u>10</u>	MINUTE entry before Judge Honorable Joan B. Gottschall: Plaintiffs' agreed motion to remand this case to the State Court <u>8</u> is granted. It is hereby ordered that this case is remanded to state court for further proceedings. Mailed notice (hp,) (Entered: 03/28/2008)
03/28/2008	<u>11</u>	MAILED remand letter to the Clerk, Circuit Court of Cook County, IL with certified copy of minute order dated 03/27/2008. (hp,) (Entered: 03/28/2008)

PACER Service Center			
Transaction Receipt			
08/12/2008 10:31:33			
PACER Login:	du6907	Client Code:	
Description:	Docket Report	Search Criteria:	1:07-cv-05086
Billable Pages:	2	Cost:	0.16

Exhibit B

2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served by Publication

2121 - Served
2221 - Not Served
2321 - Served by Mail
2421 - Served by Publication

SUMMONS

ALIAS - SUMMONS (Rev. 3/21/95)
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

SHAJUANA POE, PATRICE JOHNSON and
TINA BLAND,

Plaintiffs,

vs.

No.: 07 L 007596

JOHN D. McCARTER, MICHAEL S. GREIG
SYSTEMS TRANSPORT, INC., MICHAEL P.
DELANO and AUTO PRO EXPRESS, INC.

Defendants.

MICHAEL P. DELANO and AUTO PRO
EXPRESS, INC.,

Third - Party Plaintiffs,

vs.

JOHN D. McCARTER,

Third-Party Defendant.

Please Serve: John D. McCarter
1550 E. Alison
Palatine, IL 60067

THIRD-PARTY SUMMONS

To each defendant

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room 801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

There will be a fee of \$143.00 to file your Appearance
or you may present an Application to Sue or Defend as
a Poor Person (form CCG-19). If approved by the Presiding
Judge the fee will be waived.

WITNESS, JUL 1 2008, 2008

Clerk of Court

Name: Cecil E. Porter, III
Firm: KOPKA, PINKUS, DOLIN & EADS, P.C.
Attorney for: Third-Party Plaintiff
Address: 200 N. LaSalle St., Suite 2850
City: Chicago, Illinois 60601
Telephone: (312) 782-9920
Atty. No.: 36502

Date of service: 2008.

(To be inserted by officer of copy left with
defendant or other person)

DOROTHY BROWN
CLERK OF CIRCUIT COURT



**Service by Facsimile Transmission will be accepted at
(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

k:\669\35\TP Complaint\CEP\er

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION**

**SHAJUANA POE, PATRICE JOHNSON and
TINA BLAND,**

Plaintiffs,

vs.

No.: 07 L 007596

**JOHN D. McCARTER, MICHAEL S. GREIG
SYSTEMS TRANSPORT, INC., MICHAEL P.
DELANO and AUTO PRO EXPRESS, INC.**

Defendants.

**MICHAEL P. DELANO and AUTO PRO
EXPRESS, INC.,**

Third - Party Plaintiffs,

vs.

JOHN D. McCARTER,

Third-Party Defendant.

FILED-8
2008 JUL -1 PM 2:53
CIRCUIT COURT
LAW DIVISION

THIRD-PARTY COMPLAINT FOR CONTRIBUTION

NOW COME the Third-Party Plaintiffs, MICHAEL P. DELANO and AUTO PRO EXPRESS, INC., by and through their attorneys, ROBERT J. KOPKA, CECIL E. PORTER, III, and for their Third-Party Complaint against JOHN D. McCARTER, state the following:

1. On July 20, 2007, SHAJUANA POE, PATRICE JOHNSON and TINA BLAND filed a Complaint against MICHAEL DELANO, AUTO PRO EXPRESS, INC., SYSTEM TRANSPORT, MICHAEL GREIG and JOHN McCARTER.

2. THIRD PARTY DEFENDANT JOHN McCARTER, at the time of the occurrence out of which this matter arises, was an employee with the United States Department

of Homeland Security and was acting in the scope of his employment as an agent of the United States Department.

3. Pursuant to the Federal Tort Claims Act (28 U.S.C. 2679) upon service of summons on Mr. McCarter, the United States of America substituted itself in the place of Mr. McCarter as a Defendant in this matter and had the above-matter removed to Federal Court on September 10, 2007.

4. The United States District Court Northern District of Illinois Eastern Division removed the entire state court claim (07 L 007596) in accordance with 28 U.S.C. Section 1637(a) and assigned a case number 07 C 005086.

5. On November 2, 2007, pursuant to a stipulation between the United States of America and the Plaintiffs in that matter, the case was dismissed.

6. On March 27, 2008, the United States District Court, Northern District of Illinois remanded this case to the State Court for further proceedings.

7. On July 20, 2006, there was in full force and effect the Illinois Joint Tortfeasors Act.

8. That at all relevant times hereto, Third Party Plaintiff MICHAEL DELANO, was a resident of the City of Appleton, Outagamie County, State of Wisconsin.

9. That at all relevant times hereto, Third Party Plaintiff AUTOPRO EXPRESS, INC., was a duly authorized business enterprise operating in Cook County, State of Illinois with its place of business in the City of Freemont, Outagamie County, State of Wisconsin.

10. That on or about July 20, 2006, Third Party Defendant, JOHN D. McCARTER, was the operator of a certain motor vehicle traveling northbound on Interstate 90, south of Grand in the County of Cook, State of Illinois.

11. That on or about July 20, 2006, Defendant Michael S. Grieg, was the operator of a certain motor vehicle, owned by defendants, System Transport, Inc. traveling northbound on Interstate 90, Southbound of Grand, in the County of Cook, State of Illinois.

12. That on or about July 20, 2006, Third Party Plaintiff MICHAEL DELANO was the operator of a certain motor vehicle, owned by Third Party Plaintiff Autopro Express, Inc. traveling northbound on Interstate 90, south of Grand, in the County of Cook, State of Illinois.

13. One or about July 20, 2006, Third Party Defendant JOHN D. McCARTER, while traveling northbound on Interstate 90 when without warning, struck the vehicle operated by Defendant MICHAEL S. GREIG and owned by SYSTEMS TRANSPORT, INC., directly in front of him pushing Defendant MICHAEL S. GREIG's vehicle into the rear of Plaintiff SHAJUANA POE's vehicle.

14. That because of the negligent acts of Third Party Defendant JOHN D. McCARTER, the vehicle operated by Third Party Plaintiff Michael Delano and owned by Autopro Express, in attempting to stop, was pushed by another vehicle into THIRD PARTY DEFENDANT JOHN D. McCARTER'S vehicle, causing a second impact into Plaintiff Shajuana Poe's vehicle.

15. At all relevant times hereto, the Third-Party Plaintiff, MICHAEL DELANO, was in the exercise of ordinary care for his own safety and the safety of all other vehicles, and persons traveling upon the roadway.

16. That at all relevant times hereto, it was the duty of the THIRD PARTY DEFENDANT, JOHN D. McCARTER to exercise ordinary care to avoid colliding with other vehicles and injuring other persons traveling upon the roadway, including the vehicle operated and occupied by the Third-Party Plaintiff MICHEL DELANO.

17. That at said time and place, notwithstanding said duty, the Third Party Defendant JOHN D. McCARTER committed one or more of the following careless or negligent acts and/or omissions:

- a. Failed to keep a proper lookout;
- b. Failed to reduce speed to avoid a collision;
- c. Failed to maintain a vehicle with proper equipment, including brakes;
- d. Permitted the braking system on said vehicle to exist in such a state of disrepair as to make braking efforts ineffectual to prevent an accident;
- e. Operated said vehicle at an unsafe speed; and,
- f. Otherwise carelessly and negligently operated and/or permitted the operation of said motor vehicle in such a manner as to result in a motor vehicle collision.

18. That as a direct and proximate result of one or more of the aforementioned, the vehicle operated by Third Party Defendant JOHN D. McCARTER collided with the vehicle occupied by Defendant Michael Greig and as a result, caused the vehicle operated by Third-Party Plaintiff MICHAEL DELANO to be pushed into the vehicle operated by THIRD PARTY DEFENDANT JOHN D. McCARTER causing a second impact into Plaintiff SHAJUANA POE's vehicle.

19. In the event that Third-Party Plaintiffs MICHAEL DELANO and AUTOPRO EXPRESS are found negligent and liable for Plaintiffs SHAJUANA POE, PATRICE JOHNSON and TINA BLANDS' injuries then Third-Party Plaintiffs requests this Court find that Third-Party Defendant JOHN D. McCARTER was negligent and liable for any alleged injury to the Plaintiffs.

WHEREFORE, Third-Party Plaintiff MICHAEL D. DELANO and AUTO PRO EXPRESS, INC. pray that this Honorable Court enter judgment against Third-Party Defendant JOHN D. McCARTER for being contributory negligent under the Illinois Joint Tortfeasors Act.

Respectfully submitted,

MICHAEL DELANO and AUTO PRO EXPRESS,
INC.

By: 

Cecil E. Porter, III
One of Their Attorneys

Kopka, Pinkus, Dolin & Eads, P.C.
200 N. LaSalle Street
Suite 2850
Chicago, IL 60601
312-782-9920
Attorney No. 36502

k:669\35\nof.09\CEP\er

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION**

**SHAJUANA POE, PATRICE JOHNSON and
TINA BLAND,**

Plaintiffs,

vs.

No.: 07 L 007596

**JOHN D. McCARTER, MICHAEL S. GREIG
SYSTEMS TRANSPORT, INC., MICHAEL P.
DELANO and AUTO PRO EXPRESS, INC.**

Defendants.

**MICHAEL P. DELANO and AUTO PRO
EXPRESS, INC.,**

Third - Party Plaintiffs,

vs.

JOHN D. McCARTER,

Third-Party Defendant.

FILED-8
2008 JUL -1 PM 2:52
CLERK OF CIRCUIT COURT
LAW DIVISION

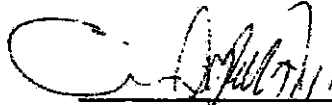
NOTICE OF FILING

Santilli & Vano
111 W. Washington Street
Suite 1240
Chicago, Illinois 60602

Radogno, Cameli & Hoag, P.C.
20 South Clark Street
Suite 1800
Chicago, IL 60603

John D. McCarter
1550 E. Alison
Palatine, IL 60067

PLEASE BE ADVISED that on July 1, 2008, we mailed to the Clerk of the Court of Cook County, Illinois, Defendants MICHAEL P. DELANO and AUTO PRO EXPRESS, INC.'s Third-Party Complaint, a copy of which is attached hereto and hereby served upon you.



KOPKA, PINKUS, DOLIN & EADS, P.C.
200 North LaSalle Street, Suite 2850
Chicago, Illinois 60601
312/782-9920
Attorney No. 36502

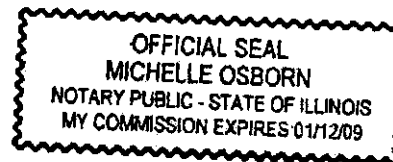
CERTIFICATE OF SERVICE

I, the undersigned, under penalty of perjury, certify that I served the above-captioned party at their respective fax numbers, on July 1, 2008, at or before 5:00 p.m. by placing same in the United States mail at 200 North LaSalle Street, Chicago, Illinois.

Evelyn Radtke

Subscribed and sworn to before me this 1 day of July, 2008.

Michelle Osborn
Notary Public



k:\669\35\TP Complaint\CEP\er

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION**

**SHAJUANA POE, PATRICE JOHNSON and
TINA BLAND,**

Plaintiffs,

vs.

No.: 07 L 007596

**JOHN D. McCARTER, MICHAEL S. GREIG
SYSTEMS TRANSPORT, INC., MICHAEL P.
DELANO and AUTO PRO EXPRESS, INC.**

Defendants.

**MICHAEL P. DELANO and AUTO PRO
EXPRESS, INC.,**

Third - Party Plaintiffs,

vs.

JOHN D. McCARTER,

Third-Party Defendant.

**FILED-8
2008 JUL 41 PM 2:53
CLERK OF CIRCUIT COURT
LAW DIVISION**

THIRD-PARTY COMPLAINT FOR CONTRIBUTION

NOW COME the Third-Party Plaintiffs, MICHAEL P. DELANO and AUTO PRO EXPRESS, INC., by and through their attorneys, ROBERT J. KOPKA, CECIL E. PORTER, III, and for their Third-Party Complaint against JOHN D. McCARTER, state the following:

1. On July 20, 2007, SHAJUANA POE, PATRICE JOHNSON and TINA BLAND filed a Complaint against MICHAEL DELANO, AUTO PRO EXPRESS, INC., SYSTEM TRANSPORT, MICHAEL GREIG and JOHN McCARTER.

2. THIRD PARTY DEFENDANT JOHN McCARTER, at the time of the occurrence out of which this matter arises, was an employee with the United States Department

of Homeland Security and was acting in the scope of his employment as an agent of the United States Department.

3. Pursuant to the Federal Tort Claims Act (28 U.S.C. 2679) upon service of summons on Mr. McCarter, the United States of America substituted itself in the place of Mr. McCarter as a Defendant in this matter and had the above-matter removed to Federal Court on September 10, 2007.

4. The United States District Court Northern District of Illinois Eastern Division removed the entire state court claim (07 L 007596) in accordance with 28 U.S.C. Section 1637(a) and assigned a case number 07 C 005086.

5. On November 2, 2007, pursuant to a stipulation between the United States of America and the Plaintiffs in that matter, the case was dismissed.

6. On March 27, 2008, the United States District Court, Northern District of Illinois remanded this case to the State Court for further proceedings.

7. On July 20, 2006, there was in full force and effect the Illinois Joint Tortfeasors Act.

8. That at all relevant times hereto, Third Party Plaintiff MICHAEL DELANO, was a resident of the City of Appleton, Outagamie County, State of Wisconsin.

9. That at all relevant times hereto, Third Party Plaintiff AUTOPRO EXPRESS, INC., was a duly authorized business enterprise operating in Cook County, State of Illinois with its place of business in the City of Freemont, Outagamie County, State of Wisconsin.

10. That on or about July 20, 2006, Third Party Defendant, JOHN D. McCARTER, was the operator of a certain motor vehicle traveling northbound on Interstate 90, south of Grand in the County of Cook, State of Illinois.

11. That on or about July 20, 2006, Defendant Michael S. Grieg, was the operator of a certain motor vehicle, owned by defendants, System Transport, Inc. traveling northbound on Interstate 90, Southbound of Grand, in the County of Cook, State of Illinois.

12. That on or about July 20, 2006, Third Party Plaintiff MICHAEL DELANO was the operator of a certain motor vehicle, owned by Third Party Plaintiff Autopro Express, Inc. traveling northbound on Interstate 90, south of Grand, in the County of Cook, State of Illinois.

13. One or about July 20, 2006, Third Party Defendant JOHN D. McCARTER, while traveling northbound on Interstate 90 when without warning, struck the vehicle operated by Defendant MICHAEL S. GREIG and owned by SYSTEMS TRANSPORT, INC., directly in front of him pushing Defendant MICHAEL S. GREIG's vehicle into the rear of Plaintiff SHAJUANA POE's vehicle.

14. That because of the negligent acts of Third Party Defendant JOHN D. McCARTER, the vehicle operated by Third Party Plaintiff Michael Delano and owned by Autopro Express, in attempting to stop, was pushed by another vehicle into THIRD PARTY DEFENDANT JOHN D. McCARTER'S vehicle, causing a second impact into Plaintiff Shajuana Poe's vehicle.

15. At all relevant times hereto, the Third-Party Plaintiff, MICHAEL DELANO, was in the exercise of ordinary care for his own safety and the safety of all other vehicles, and persons traveling upon the roadway.

16. That at all relevant times hereto, it was the duty of the THIRD PARTY DEFENDANT, JOHN D. McCARTER to exercise ordinary care to avoid colliding with other vehicles and injuring other persons traveling upon the roadway, including the vehicle operated and occupied by the Third-Party Plaintiff MICHEL DELANO.

17. That at said time and place, notwithstanding said duty, the Third Party Defendant JOHN D. McCARTER committed one or more of the following careless or negligent acts and/or omissions:

- a. Failed to keep a proper lookout;
- b. Failed to reduce speed to avoid a collision;
- c. Failed to maintain a vehicle with proper equipment, including brakes;
- d. Permitted the braking system on said vehicle to exist in such a state of disrepair as to make braking efforts ineffectual to prevent an accident;
- e. Operated said vehicle at an unsafe speed; and,
- f. Otherwise carelessly and negligently operated and/or permitted the operation of said motor vehicle in such a manner as to result in a motor vehicle collision.

18. That as a direct and proximate result of one or more of the aforementioned, the vehicle operated by Third Party Defendant JOHN D. McCARTER collided with the vehicle occupied by Defendant Michael Greig and as a result, caused the vehicle operated by Third-Party Plaintiff MICHAEL DELANO to be pushed into the vehicle operated by THIRD PARTY DEFENDANT JOHN D. McCARTER causing a second impact into Plaintiff SHAJUANA POE's vehicle.

19. In the event that Third-Party Plaintiffs MICHAEL DELANO and AUTOPRO EXPRESS are found negligent and liable for Plaintiffs SHAJUANA POE, PATRICE JOHNSON and TINA BLANDS' injuries then Third-Party Plaintiffs requests this Court find that Third-Party Defendant JOHN D. McCARTER was negligent and liable for any alleged injury to the Plaintiffs.

WHEREFORE, Third-Party Plaintiff MICHAEL D. DELANO and AUTO PRO EXPRESS, INC. pray that this Honorable Court enter judgment against Third-Party Defendant JOHN D. McCARTER for being contributory negligent under the Illinois Joint Tortfeasors Act.

Respectfully submitted,

MICHAEL DELANO and AUTO PRO EXPRESS,
INC.

By: 

Cecil E. Porter, III
One of Their Attorneys

Kopka, Pinkus, Dolin & Eads, P.C.
200 N. LaSalle Street
Suite 2850
Chicago, IL 60601
312-782-9920
Attorney No. 36502

Exhibit C

COPY

2120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
 SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
 ALIAS - SUMMONS

CCG N001-10M-1-07-05 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION

(Name all parties)

Shajuana Poe, Patrice Johnson and Tina Bland

v.

Michael S. Greig, Systems Transport, Inc., et al.,

No. 07 L 007596

PLEASE SERVE:
 John McCarter
 1550 E. Alison
 Palatine, IL 60067

SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- ☒ Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602
- | | | |
|--|---|---|
| <input type="checkbox"/> District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077 | <input type="checkbox"/> District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153 |
| <input type="checkbox"/> District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455 | <input type="checkbox"/> District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426 | <input type="checkbox"/> Child Support
28 North Clark St., Room 200
Chicago, Illinois 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 40470

Name: RADO GNO, CAMELI & HOAG

Atty. for: PLAINTIFF

Address: 20 SOUTH CLARK, SUITE 1800

City/State/Zip: CHICAGO, IL 60603

Telephone: 312-726-7300

Service by Facsimile Transmission will be accepted at:

WITNESS, _____

JUL 08 2008

DOROTHY BROWN
 Clerk of Court

Date of service: _____

(To be inserted by officer on copy left with defendant
 or other person)

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COPY

2394C/mjh

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT - LAW DIVISION

FILED-16
08-18 PM 4:01
#40470
CLERK OF CIRCUIT COURT
LAW DIVISION

SHAJUANA POE, PATRICE JOHNSON
And TINA BLAND,

Plaintiffs,

v.

No: 07 L 007596

MICHAEL S. GREIG,
SYSTEMS TRANSPORT, INC.,
MICHAEL P. DELANO and AUTOPRO
EXPRESS, INC.,

Defendants.

SYSTEMS TRANSPORT, INC.,

Third Party Plaintiff,

v.

JOHN D. McCARTER,

Third Party Defendant,

SYSTEMS TRANSPORT INC.'S THIRD PARTY CLAIMS
AGAINST JOHN D. McCARTER

NOW COMES defendant/third party plaintiff, SYSTEMS TRANSPORT, INC., by and through its attorneys, RADOGNO, CAMELI & HOAG, P.C., and complain of third party defendant, John D. McCarter as follows:

COUNT I
NEGLIGENCE

1. On the 20th day of July, 2006, at approximately 4:50 p.m., the third party defendant, JOHN D. McCARTER, was driving a 2003 PONTIAC GRAND PRIX northbound on

I-90 south of and near Grand Avenue, at mile post 50.56 in the County of Cook, and State of Illinois;

2. At said time, the Third Party Plaintiff, SYSTEMS TRANSPORT owned a 1995 Kenworth Semi-Tractor and 2006 Wilson Flat Bed Trailer, which were being operated by SYSTEMS TRANSPORT INC.'S duly authorized agent, MICHAEL GREIG, traveling northbound on I-90 south of and near Grand Avenue, at mile post 50.56 in the County of Cook, and State of Illinois;

3. At the time of the occurrence hereinafter described and immediately prior thereto, MICHAEL GREIG, was in the exercise of due care and caution for said vehicle and property.

4. At said time and place, the third party defendant, JOHN D. McCARTER, negligently drove his vehicle so that, as a direct and proximate result thereof, he collided with third party plaintiff's vehicle.

5. Then and there, third party defendant JOHN D. McCARTER, was guilty of one or more of the following negligent acts and/or omissions:

- a. Followed another vehicle too closely within traffic;
- b. failed to stop when danger was imminent;
- c. failed to give the Plaintiff a warning;
- d. operated and propelled his vehicle at a speed which was excessive and unreasonable;
- e. violated 625 ILCS 5/11-709(a) when he followed another vehicle too closely within traffic; and
- f. violated 625 ILCS 5/11-710(a) when he drove his vehicle at a speed which was greater than was reasonable and proper.

6. As a direct and proximate cause of the negligence of the third party defendant,

JOHN D. McCARTER, the third party plaintiff suffered severe property damages to said vehicle operated by MICHAEL GREIG in the sum of \$23,769.18.

WHEREFORE the third party plaintiff, SYSTEMS TRANSPORT, INC., prays that judgment be entered against third party defendant JOHN D. McCARTER for an amount of \$23,736.18 plus costs of this lawsuit.

THE DEFENDANT/THIRD PARTY PLAINTIFF DEMANDS TRIAL BY JURY

COUNT II
CONTRIBUTION

1. Plaintiffs Shajuana Poe, Patrice Johnson, and Tina Bland have filed a complaint at law against defendant Systems Transport, Inc. to recover damages for personal injuries sustained in an accident which occurred on July 20, 2006.

2. At the time of the occurrence complained of in the Complaint at Law, the motor vehicle driven by third party defendant came into contact with the vehicle owned by defendant/third party plaintiff Systems Transport, Inc.

3. At the time of the occurrence, John D. McCarter was under a legal duty to exercise ordinary care and safety for all other drivers on the road.

4. If plaintiffs were injured or damaged, the injuries or damages were caused by one or more of the following careless and/or negligent acts and/or omissions on the part of John D. McCarter:

- a. Followed another vehicle too closely within traffic;
- b. failed to stop when danger was imminent;
- c. failed to give the Plaintiff a warning;
- d. operated and propelled his vehicle at a speed which was excessive and unreasonable;
- e. violated 625 ILCS 5/11-709(a) when he followed another vehicle too closely within traffic; and

COPY

2120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
 SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
 ALIAS - SUMMONS

CCG N001-10M-1-07-05 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, _____ LAW _____ DIVISION

(Name all parties)

Shajuana Poe, Patrice Johnson and Tina Bland

v.

Michael S. Greig, Systems Transport, Inc., et al.,

No. 07 L 007596

PLEASE SERVE:
 John McCarter
 1550 E. Alison
 Palatine, IL 60067

SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- ☒ Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602
- | | | |
|--|---|---|
| <input type="checkbox"/> District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077 | <input type="checkbox"/> District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153 |
| <input type="checkbox"/> District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455 | <input type="checkbox"/> District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426 | <input type="checkbox"/> Child Support
28 North Clark St., Room 200
Chicago, Illinois 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 40470

Name: RADOGNO, CAMELI & HOAGAtty. for: PLAINTIFFAddress: 20 SOUTH CLARK, SUITE 1800City/State/Zip: CHICAGO, IL 60603Telephone: 312-726-7300

Service by Facsimile Transmission will be accepted at: _____

WITNESS, _____

JUL 08 2008

Clerk of Court

Date of service: _____

(To be inserted by officer on copy left with defendant or other person)

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

U.S. Immigration and Customs Enforcement
One Tower Lane, Suite 1600
Oak Brook Terrace, IL 60181



U.S. Immigration and Customs Enforcement

Office of Investigations
National Security Group

Facsimile Transmission

Date August 6, 2008

To: AUSA Harpreet Chahal, U.S. Attorney's Office

Fax: (312) 886-4073

U.S. District Court, Northern District Illinois

From: Senior Special Agent John McArtor

Phone: (630) 574-4181

☐ Urgent ☐ Action ☐ Concurrence ☒ FYI

Number of pages including cover: 7

Comments:

Attached is a copy of another Summons that was delivered to my father-in-law at our home on August 1, 2008.

Your help in this matter is greatly appreciated.

Thank You,


John D. McArtor, Senior Special Agent
USDHS, ICE, NSG, SAC-Chicago
One Tower Lane, Suite 1600
Oak Brook Terrace, IL 60181
W) 630-574-4181
C) 630-817-8167
F) 630-574-4967
john.mcartor@dhs.gov

Exhibit D

CERTIFICATION

Pursuant to the provisions of 28 U.S.C. § 2679, as amended, and by virtue of the authority delegated to me by the Attorney General under 28 C.F.R. § 15.4 and through the United States Attorney for the Northern District of Illinois, I hereby certify that I have read the complaint in *Shajuana Poe, et al. v. John D. McCarter, et al.*, No. 07 L 007596 (Circuit Court of Cook County, Illinois), and that on the basis of the information now available with respect to the incidents referred to therein, I certify that defendant John D. McCarter was acting within the scope of his employment as an employee of the United States at the time of the incidents out of which the claims arose.

Dated: August 17, 2007



THOMAS P. WALSH
Chief, Civil Division
Office of the United States Attorney
for the Northern District of Illinois